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In re Application of
Masaji Ueno
Application No. 09/446,790
Filed: March 30, 2000
For: **VIDEO SIGNAL RECORDING AND
REPRODUCTION DEVICE AND VIDEO
SIGNAL REPRODUCTION DEVICE**

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

Paper No. *211*

STATUS Check 3/27/05
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DECISION ON PETITION
TO ~~WITHDRAW~~ HOLDING OF
ABANDONMENT

This is a decision on the petition to rescind notice of abandonment filed November 10, 2004 and supplemented on January 27, 2005, which combined, is treated as a Petition to Withdrawal the Holding of Abandonment pursuant to 37 C.F.R. §1.181 and MPEP §711.03(c). No fee is required.

This application is in an abandoned status for failure to timely pay the issue fee due within three months from the mail date of the corrected Notice of Allowance and Issue Fee due, i.e., May 21, 2004. A Notice of Abandonment was mailed October 8, 2004.

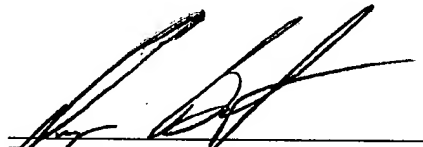
The showing required to establish the failure to receive an Office communication must include a statement from the practitioner stating that the Office communication was not received by the Practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. See "Withdrawing the Holding of Abandonment When Office Actions Are Not Received", 1156 Official Gazette 53 (November 16, 1993) and M.P.E.P. § 711.03(c), section II. The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office communication may have been lost after receipt rather than a conclusion that the Office communication was lost in the mail.

The petition filed November 10, 2004, in combination with the supplemental petition filed January 27, 2005, satisfies the aforementioned requirements.

Accordingly, the petition is **GRANTED**. The holding of abandonment is withdrawn. The Corrected Notice of Allowance is vacated.

Since it has been established that the Notice of Allowance was not received, it is presumed that the practitioner also failed to receive the Notice of Allowability. The Notice of Allowability along with examiner's reasons for allowance, will also be re-mailed with the new Notice of Allowance.

The application file is being forwarded to the group technical support staff for re-mailing of the Notice of Allowance and Notice of Allowability originally mailed July 1, 2003.



Dwayne Bost
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Communications